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TAGS: [KJUS](#) [PHUM](#) [PREL](#) [YM](#) [DEMOCRATIC REFORM](#)

SUBJECT: YEMEN: FOLLOW UP ON PRESIDENT'S PROPOSED MIDDLE EAST REGIONAL JUSTICE FORUM

REF: A. SECSTATE 130099

[1](#)B. SECSTATE 138602

[1](#)1. Embassy Sanaa warmly endorses the proposed Middle East Regional Justice Forum. While the ROYG has conducted a judicial reform project since 1997 with donor support from several countries, the results have been mixed and more work needs to be done. Yemeni reform-minded judges and justice officials will welcome the opportunity to learn from their regional counterparts and international experts.

[1](#)2. Based on readouts from judicial reform project supporters as well as Post's own contacts, Embassy Sanaa makes the following recommendations for possible participants in the September session in Manama:

Dr. Adnan Omar al-Jafri
Minister of Justice
Newly-appointed to the cabinet (May 2003), professor of international law at Aden University, and Member of Parliament

Judge Hamoud al-Hitar
Member, Supreme Court
Former Chairman of the Ulema ("religious scholar") Committee to conduct dialogue to reform fundamentalist terror-related detainees in 2002, considered one of the most moderate Yemeni clerics, prominent reform and human rights activist, close contact of Embassy, former IVP participant in the 1990s

Reem Tariq Abdullah
Lawyer, Aden
Maritime and commercial law practice, reform-minded female lawyer, part of well-connected Yemeni family, former Humphrey fellow

Judge Ahmed Sharafaddin
Head, Sanaa Court of Appeals
Traditional background but dedicated reform activist, well-known as scrupulously honest

Judge Isaam al-Samawi
Head, Aden Court of Appeals
Young, fairly traditional judge, dedicated reformer

[1](#)3. Post agrees with the broad themes outlined in reftels and offers the following suggestions relevant to the Yemeni context for consideration for the first meeting or subsequent regional gatherings:

-- Strengthening the official judicial system to counteract reliance on traditional tribal justice: In Yemen, the reliance on traditional tribal justice for resolution of disputes lessens confidence in and respect for the formal judicial system and keeps patronage and power in the hands of the tribal system. This tendency undermines the rule of law and future democratic progress.

-- Specialized training on commercial law: The lack of wide expertise and understanding of commercial law among judges and lawyers creates problems for the business community, helps block foreign investment and creates barriers for increasing opportunities for U.S. business access and investment.

-- Land tenure law: Land disputes, particularly among rival tribes, continue to be a primary source of conflict in Yemen. The lack of a clear and enforceable land tenure law contributes to the lack of effective avenues of peaceful resolution to land disputes.

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